

POLITY

❖ **Basic Structure of Constitution**

➤ **CONTEXT:** Vice President Jagdeep Dhankhar recently sparked a debate on the separation of powers between the executive and the judiciary. He criticised the Supreme Court, for using the doctrine of basic structure to strike down the constitutional amendment that introduced the National Judicial Appointments Commission Act.

• Earlier on December 7 2022, in his maiden speech in the Rajya Sabha, Dhankhar had called the striking down of the NJAC Act a “severe compromise” of parliamentary sovereignty and disregard of the “mandate of the people”.

➤ **What is the basic structure doctrine?**

• The Doctrine of Basic Structure is a form of judicial review that is used to test the legality of any legislation by the courts.

• The doctrine was evolved by the Supreme Court in the 1973 landmark ruling in Kesavananda Bharati v State of Kerala. In a 7-6 verdict, a 13-judge Constitution Bench ruled that the ‘basic structure’ of the Constitution is inviolable, and could not be amended by Parliament.

✓ If a law is found to “damage or destroy” the “basic features of the Constitution”, the Court declares it unconstitutional. The test is applied to constitutional amendments to ensure the amendment does not dilute the fundamentals of the Constitutional itself.

✓ The test is widely regarded as a check on majoritarian impulses of the Parliament since it places substantive limits on the power to amend the Constitution.

➤ **How was the doctrine developed?**

• The Kesavananda ruling was a culmination of a series of tussles between the judiciary and the executive led by then Prime Minister Indira Gandhi.

• After a reversal of key legislation including land reforms; nationalization of banks; abolition of privy purse- the Parliament brought in a constitutional amendment to give itself the power to amend any part of the Constitution and passed a law that it cannot be reviewed by the courts.

• The Court had to then examine the scope of the Parliament’s power to amend the Constitution and the legality of the land reforms. The 13-judge bench gave 11 separate judgments and the doctrine was culled out as the majority opinion in the case.

• The Court ruled that while Parliament has vast powers to amend the Constitution, it cannot amend certain “basic features.” On land reforms, the Court upheld the amendment that removed the fundamental right to property. The court ruled that in spirit, the amendment would not violate the “basic structure” of the Constitution.

• **The origins** of the basic structure doctrine are found in the post-war German Constitution law which, after the Nazi regime, was amended to protect some basic laws.

✓ Jurist Nambhoy Palkhivala who appeared against the government relied on the writings of Professor Dietrich Conrad in support of the basic structure doctrine.

✓ “Under the Weimar regime, the legislature reigned supreme and legal positivism was brought to an extreme. The re-action after World War II was characterised by decreases of legislative power matched by an increase of judicial power,” the ruling notes.

➤ **What are the basic features of the Indian Constitution?**

• In the Kesavananda ruling, the Supreme Court cited several aspects of the Constitution that could be identified as “basic features” of the document but added that it was not an exhaustive list.

✓ For example, judicial review, rule of law, federalism, and democratic republic structure are identified as basic features.

• In the 2015 ruling where the Supreme Court struck down the National Judicial Appointments Commission Act and the related Constitutional Amendment, “judicial independence” was identified as a basic feature of the Constitution.

• The five-judge bench struck down the amendment passed with an overwhelming majority by the Parliament (with just one member abstaining) by applying the basic structure doctrine. This, Dhankhar referred to as the judiciary undermining the sovereignty of the Parliament.

• While the court itself did not define what this basic structure meant, it cited the following to be included in this basic structure. The basic structure may be said to consist of the following features:

✓ Supremacy of the Constitution;

✓ Republican and Democratic form of Government.

✓ Secular character of the Constitution;

✓ Separation of powers between the Legislature, the executive and the judiciary;=

✓ Federal character of the Constitution.

- ✓ The judgement read, “the above structure is built on the basic foundation, i.e., the dignity and freedom of the individual. This is of supreme importance. This cannot by any form of amendment be destroyed.”
- Proponents of the basic structure doctrine consider it to be a safety valve against majoritarian authoritarianism. Without it, it is plausible that Indira Gandhi’s 1975 Emergency could have had far more deleterious effects on the health of Indian democracy.
- However, opponents claim that the doctrine amounts to judicial overreach over the legislature – something that itself is undemocratic.
- **Why is the doctrine criticised?**
- Vice President Dhankhar’s remarks reflect the criticism often made against the doctrine and its application: that it is not found in the text of the Constitution itself. By evolving a test, which is not a textual application of judicial review, an argument is made that the judiciary is encroaching on the Parliament’s powers.
- Some critics of the doctrine, argued that the power of “unelected judges” to strike down amendments to the Constitution on the basis of this doctrine is “anti-democratic and counter-majoritarian.”
- However, legal scholarship over the years has defended the legitimacy of the test.
- In his Dr Sudhir Krishnaswamy, the Vice Chancellor of National Law School of India University, argues that the doctrine rests on a sound structural interpretation of the Constitution. Krishnaswamy in his book Democracy and Constitutionalism in India notes that even some skeptics of the doctrine have turned around over the years.
- ✓ For example, Justice YV Chandrachud, former Chief Justice of India found himself in the minority in the Kesavananda Bharati ruling. However, in subsequent rulings where the Court applied the test, Justice Chandrachud applied the doctrine to limit Parliament’s powers.
- **Who is Kesvananda Bharati and how was he associated with the ‘Basic Structure’ doctrine?**
- **A monk from Adi Shankaracharya’s tradition**
- Born in 1940, Kesavananda Bharati took sanyas at the age of 19 and headed to the Edneer Mutt, a Hindu monastery in Kasargod, Kerala. In 1961, still only 21, he was appointed as the head of the Mutt, a position he held till his death in 2020.
- A proponent of the Smartha tradition of Advaita Vedanta, at the Mutt, he was referred with his honorific title: Srimad Jagadguru Sri Sri Sankaracharya Thotakacharya Keshavananda Bharathi Sripadangalavaru. The Edneer Mutt is believed to have been established by Totakacharya, one of four original disciples of Adi Shankaracharya, the man credited to have synthesised the non-dualistic philosophy of Advaita Vedanta.
- Kesavananda Bharati was known to be a patron of Hindustani and Carnatic music as well as Yakshagana, a folk theatre form popular in some districts of Karnataka and the border district of Kasargod, Kerala.
- **Fighting against the Kerala government’s land reforms**
- Kesavananda Bharati did not have any larger, “constitutional” aims when he took the Kerala government to court in February 1970. Rather, he was challenging the 1969 Land Reforms enacted by the communist C. Achuta Menon government which had affected his Mutt. Under the reforms, the Edneer Mutt lost a large chunk of its property, which contributed to its financial woes.
- Filing a writ petition in the Supreme Court, Kesavanandas Bharati argued, along with his lawyer Nani Palkhivala, that this action violated his fundamental rights – in particular, his fundamental right to religion (Article 25), freedom of religious denomination (Article 26), and right to property (Article 31).

PRELIMS

1. **Comprehensive and Progressive Agreement for TTP**

- **CONTEXT: The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) Commission is in accession negotiations with the United Kingdom.**
- The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is a free trade agreement (FTA) between 11 countries in the Asia-Pacific region.
- The agreement would lower tariffs and other trade barriers among the 11 countries.
- The TPP-11 countries are - Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.
- The CPTPP entered into force on December 30, 2018 with 6 countries to have ratified the agreement: Canada, Australia, Japan, Mexico, New Zealand, and Singapore. For the other signatories, the CPTPP will enter into force 60 days after their ratification.
- CPTPP Commission is the decision making body of CTPP.
- The CPTPP Agreement is a separate treaty that incorporates, by reference, a majority of the provisions of the Trans-Pacific Partnership (TPP) Agreement (signed but not yet in force).
- The CPTPP preserves the ambitious scope and high quality standards and rules of the original TPP.
- The CPTPP includes an accession process that provides for the further expansion of the Agreement’s membership.

- Any economy that is able to meet the high-standard rules and ambitious market access commitments of the CPTPP can seek to join the Agreement.
- This accession is subject to negotiations on terms and conditions with the current CPTPP members.
- **China and RCEP** – Though China is Pacific-Rim country, it is not a part of TPP, but part of Regional Comprehensive Economic Partnership (RCEP) which is viewed as an alternative to TPP.

2. Basmati Rice

➤ **CONTEXT: For the first time in the country, Food Safety and Standards Authority of India (FSSAI) has specified the identity standards for Basmati Rice (including Brown Basmati Rice, Milled Basmati Rice, Parboiled Brown Basmati Rice and Milled Parboiled Basmati Rice).**

- As per these standards, Basmati rice shall possess natural fragrance characteristic of basmati rice and be free from artificial colouring, polishing agents and artificial fragrances.
- These standards also specify various identity and quality parameters for basmati rice such as average size of grains and their elongation ratio after cooking; maximum limits of moisture, amylose content, uric acid, defective/damaged grains and incidental presence of other non-basmati rice etc.
- The standards are aimed at establishing fair practices in the trade of Basmati rice and protect consumer interest, both domestically and globally. These standards will be enforced w.e.f 1st August, 2023.
- Being a premium quality rice and fetching a price higher than the non-basmati varieties, Basmati rice is prone to various types of adulteration for economic gains which may include, among others, undeclared blending of other non-basmati varieties of rice. Therefore, in order to ensure supply of standardised genuine Basmati rice in domestic and export markets.

➤ About

- It is one of the best known varieties of rice all across the globe.
- It is a long grain rice which has its origin from India and some parts of Pakistan.
- It has a unique position in the rice world due to its price, fragrance, grain morphology as well as quality.
- Basmati rice has a unique fragrance and flavour caused due to the presence of a chemical called 2-acetyl-1-pyrroline. This chemical is found in basmati rice at about 90 parts per million (ppm) which is 12 times more than non-basmati rice varieties.
- Basmati rice needs specific climatic conditions to grow which is why it is cultivated in selected regions of India. It is cultivated in the states of Himachal Pradesh, Punjab, Haryana, Delhi, Uttarakhand, Madhya Pradesh, Jammu and Kashmir and western Uttar Pradesh.

➤ Basmati vs Non-Basmati Rice

- Basmati is a long grain rice. The non-basmati rice comes in all different shapes and sizes – long, slender, short and thick, bead and round.
- Basmati has a characteristic fragrance and flavor while non-basmati varieties, do not have an aroma.
- Basmati is also available in white and brown versions depending on the extent of the milling process. Like wine and cheese, the older basmati gets the better its flavor and aroma. Hence the aged Basmati costs higher than the recent productions.
- Basmati rice becomes almost double its size on cooking. Such a significant increase in size cannot be seen in non-basmati varieties. This makes basmati variety one of the highly demanded rice in the world.
- Yield of Basmati rice from the agricultural land is almost half the non-basmati varieties. This is also one of the reasons for Basmati's higher costs.

➤ Production of Basmati Rice in India

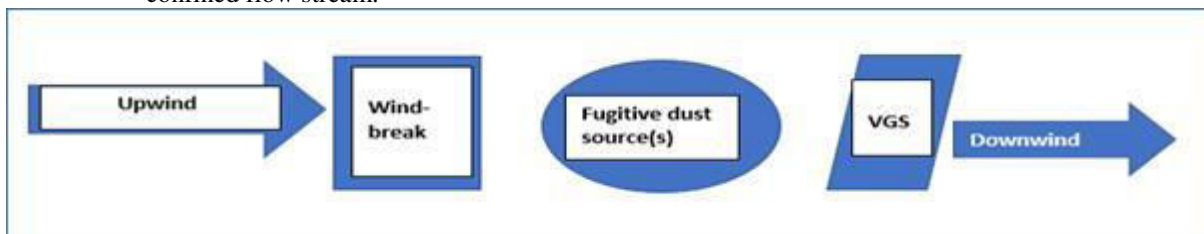
- India is the largest producer of Basmati rice with about 70 per cent share in global production.
- Basmati rice constitutes one of India's significant exports both in terms of soft power and hard money.
- Basmati rice has a market abroad and brings about ₹30,000 crore in foreign exchange every year.
- While 75% of the export is to West Asian countries, European Union countries also import Indian Basmati.
- However, recently, the export to EU countries faced certain hurdles due to the increase in the pesticide residue levels in the rice from India.
- Five new varieties of seeds of Basmati rice were developed recently by a group of scientists led by the Indian Agriculture Research Institute(IARI) Director.
 - ✓ Three of these five varieties can resist two common diseases of paddy (one bacterial and one fungal).
 - ✓ The other two varieties can save 35% of water as the method of Direct Sowing of Rice (DSR) can be used to raise them. These two seeds are also resistant to herbicides helping the farmers control weeds more efficiently

3. New Dust Control Technology

➤ **CONTEXT: In order to minimize and control the fugitive dust in mining areas, Central Mine Planning and Design Institute Limited (CMPDIL), Ranchi (a consultancy subsidiary of Coal India**

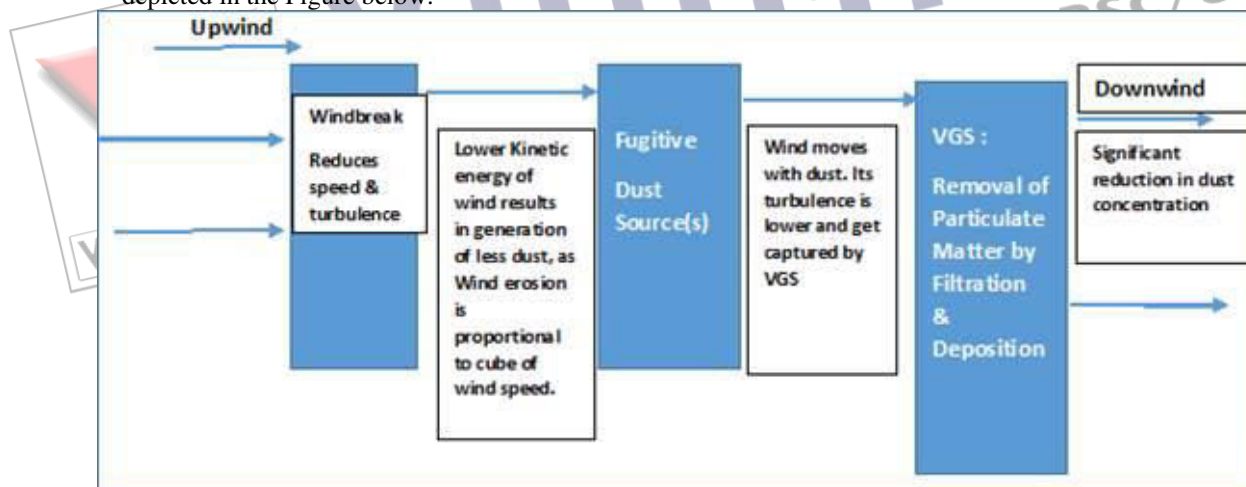
Limited) has invented a “System and Method for Controlling Generation and Movement of Fugitive Dust” and obtained patent for the same in December, 2022

- This system can be used in mines, thermal power plants, railway sidings, ports, construction sites wherein coal or other minerals/fugitive materials are stored under open sky. Apart from reducing the dust generation from open sources, it will also provide noise attenuation. To prevent or mitigate air pollution caused by coal mining and allied activities, coal/lignite PSUs are adopting various measure.
 - ✓ Fugitive dust is a form of particulate matter that contributes to air pollution that is generated from various sources which are exposed to air and not discharged into the atmosphere through a confined flow stream.



Synchronized Application of Windbreak and Vertical Greenery System (VGS) for Fugitive Dust Control – a New Idea

- The present invention relates to the synchronized application of windbreak (WB) and vertical greenery system (VGS) for reducing generation and dispersion of fugitive dust.
- The WB and VGS are erected in the upwind and downwind direction with respect to the fugitive dust source(s) respectively.
- The WB reduces the speed of the wind approaching towards the source and hence, it reduces the intensity of the ambient air to pick up dust while blowing over the source.
- The VGS acts as a filter and reduces the quantity of the residual dust moving along with the wind towards the receptors in the down-wind direction. Therefore, there is a significant reduction in the concentration of the dust in the ambient air at various receptors located in the down-wind direction. This system has been depicted in the Figure below:



4. National Youth Festival

➤ **CONTEXT:** PM’s address on inauguration of 26th National Youth Festival in Hubballi, Karnataka

- The programme is being held on National Youth Day, which is celebrated on the birth anniversary of Swami Vivekananda, to honour and cherish his ideals, teachings, and contributions.
- The National Youth Festival is held every year to provide exposure to our talented youth at the national level, along with galvanising them towards nation-building.
- It brings diverse cultures from all parts of the country on a common platform and unites the participants in the spirit of Ek Bharat, Shreshtha Bharat.
- The Festival will witness the Youth Summit, which will witness plenary discussions on five themes stemming from G20 and Y20 events. These include the Future of Work, Industry, Innovation, and 21st Century Skills; Climate Change and Disaster Risk Reduction; Peace building and Reconciliation; Shared future-youth in democracy and governance; and Health & Well-being.

- Competitive events will include folk dances and songs and will be held to provide an impetus to local traditional cultures.
- Non-competitive events will include Yogathon which aims to mobilise close to 10 lakh people to do Yoga. Eight indigenous sports and martial arts will also be presented during the event by national level performers.
- Other attractions include Food Festival, Young Artist Camp, adventure sports activities, special Know Your Army, Navy, and Air Force camps, among others.

ANSWER WRITING

Q. What is allelopathy? Discuss its role in major cropping systems of irrigated agriculture

Allelopathy is a biological phenomenon in which plants release chemical poisons to destroy neighbouring plants in their bid for more space and sunlight. The poison released are deadly, they change the very genetic structure of the victim plants preventing its growth and ultimately leading to its death.

- In sustainable wild management: Allelopathic applications such as Straw mulching provide sustainable weed management. It also helps in reducing negative impact of environment on agriculture. Straw mulch can improve the organic matter in the soil and increase its fertility. Allelo chemicals are called 'Natural herbicides'.
- In reduction of Nitrogen leaching and Environment pollution: Nitrogen leaching is a severe ecological problem due to water pollution. In recent years studies have proven that Nitrification Inhibiting Substance (NIS) produced by plants can reduce the emission of N₂O, improve the utilization rate of nitrogen fertilizer and reduce pollution to the environment.
- Plant-animal/insect interactions: Allelo chemicals may variously act as feeding attractants or repellents, have hormonal effects on the insects or provide the insects with a useful defense mechanism against predation.
- Many border plants are used in this manner around fields and gardens to keep undesired animals away. Studies on allelopathy in crops and weeds have been developed in the past few decades and the use of allelopathic crops in crop rotation, cover crops, green manure, inter cropping etc has become a reality.

MCQs

1. Consider the following statements
 1. Every year, National Youth Day is celebrated on January 12 as a tribute to Swami Vivekananda on his birth anniversary
 2. Every year on the Youth Day, the government organises National Youth Festival in collaboration with one state willing to host it.
 3. The theme of the National Youth festival 2023 is "Intergenerational Solidarity: Creating a World for All Ages".

Choose the correct statement/s using the codes given below

- a) 1 and 2 only
- b) 2 and 3 only
- c) 1 and 3 only
- d) 1,2 and 3

2. Consider the following statements.

1. India is the world's largest exporter of basmati rice.
2. In India, the basmati rice has been cultivated in Indo-Gangetic plains at the foothills of the Himalayas.
3. In India, the GI tag for basmati rice is granted for all the basmati rice growing states.

Which of the above statements is/are correct?

- a) 2 only
- b) 1, 2 only
- c) 1, 3 only
- d) 2, 3 only

3. With reference to the Trans-Pacific Partnership, consider the following statements:

1. It is an agreement among all the Pacific Rim countries except China and Russia.
2. It is a strategic alliance for the purpose of maritime security only.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

4. With reference to concept "basic structure" which was in news because of debate around it, consider the following statements:

1. The Constitution of India defines its 'basic structure' in terms of federalism, secularism, fundamental rights and democracy.
2. The Constitution of India provides for judicial review 'to safeguard the citizens' liberties and to preserve the ideals on which the Constitution is based.

Which of the statements given above is/are correct?

- a) 1 only
 - b) 2 only
 - c) Both 1 and 2
 - d) **Neither 1 nor 2**
5. Consider the following statements in regard to Headline inflation :
- 1. It provides an accurate picture of the inflation in the country.
 - 2. It is affected by short term transitory effect on prices of products.

Which of the statements given above is/are correct?

- a) 1 only
 - b) **2 only**
 - c) Both 1 and 2
 - d) Neither 1 nor 2
6. Consider the following
- 1. Muslims
 - 2. Sikhs
 - 3. Christians
 - 4. Buddhists
 - 5. Jains
 - 6. Zoroastrians (Parsis)

Which of the above religious community/es have been notified as minority communities under Section 2 (c) of the National Commission for Minorities (NCM) Act, 1992?

- a) 1,2,3 and 4 only
 - b) 2,4,5, and 6 only
 - c) 3,4,5 and 6 only
 - d) **1,2,3,4,5 and 6**
7. With reference to Bio-energy consider the following statements:
- 1. It is the energy produced from biomass.
 - 2. They are completely clean form of energy and does not possess any threat for climate.

Select the correct statements using the codes given below:

- a) **1 only**
 - b) 2 only
 - c) Both 1 and 2
 - d) Neither 1 nor 2
8. Fiscal consolidation will be given importance, because by 2024-25, India economy need to reach the fiscal deficit target of 4.5% of GDP suggest by many economists, with reference to this consider the followings.
- 1. Improved tax revenue realization by implementing measures like increasing efficiency of tax administration by reducing tax avoidance, eliminating tax evasion, enhancing tax compliance etc. are to be made.
 - 2. Enhancing tax GDP ratio by widening the tax base and minimizing tax concessions.
 - 3. Better targeting of government subsidies and extending Direct Benefit Transfer scheme for more subsidies.

Which of the above factor/s from the expenditure side and revenue side should be considered by the government to achieve fiscal consolidation?

- a) 1 and 2 only
 - b) 1 and 3 only
 - c) 2 and 3 only
 - d) **1,2 and 3**
9. Digital India Land Record Modernisation Programme (DILRMP) is associated with which of the following Ministry?
- a) Ministry of Finance
 - b) Ministry of Home Affairs
 - c) **Ministry of Rural development**
 - d) Ministry of Science and Technology
10. 'Section 6A of Citizenship Act, 1955' which has been in news recently, is related to which of the following?
- a) Refugee deportation
 - b) Deprivation of citizenship in case of stay outside of India for 12 years.
 - c) Deportation of persons identified as foreigners
 - d) **Registration of persons detected as foreigners**